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OTHER BUSINESS

There were a number of people to complain about the dogs barking at night. City Attorney Peterson recommended that the police patrol the area to find out where the disturbances were coming from. The Council assured the people that they would do everything they could to try to have this matter controlled.

Dale Bond stated that he wanted to lodge a complaint against Dennis Westwood, the Animal Control Officer, who had taken his goat from his property. Mayor Nielson stated that he would see that his goat was returned and try to solve the misunderstanding.

Councilman Morrison made a MOTION to adjourn the meeting. Councilman Dafoe SECONDED the motion, which passed unanimously. Mayor Nielson adjourned the meeting at 10:38 p.m.


Mayor Grant S. Nielson

City Recorder Dorothy Jeffery

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 19, 1983

PRESENT

Grant S. Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Warren Peterson
Dorothy Jeffery
Sherri Terrell
Neil Forster
John Quick
Greg Cooper

City Attorney
City Recorder
City Secretary
Public Works Superintendent
City Engineer
Chief of Police

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Corene Murray
Phyllis Munster
Craig Greathouse
Neal Finlinson
Helena Downing
Wallace Church
Inez Moody
Jim Fletcher

Mayor Nielson called the meeting to order at 8:00 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Cornicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Regular City Council Meeting held September 12, 1983, were presented and corrected by the Council. Council Member Hansen made the MOTION to accept the minutes as corrected. Councilman Dafoe SECONDED the motion, which passed unanimously.

The Mayor stated that the City should pay the architect for the services rendered on the City Building project. He stated that we were now having interest added on the principal. Councilman Bird made a MOTION to pay the architect the principal sum of \$43,385.27. Councilman Dafoe SECONDED the motion, which passed unanimously.

PARTIAL PAYMENT TO JENSON CONSTRUCTION COMPANY FOR WORK ON CITY BUILDING

The partial payment request was presented to the Council and discussed. Councilman Bennett made a MOTION to pay Jenson Construction Company the requested amount of \$23,198.00. Council Member Hansen SECONDED the motion, which passed unanimously.

CELLAR CLUB: APPLICATION FOR "CLASS B" BEER LICENSE

Mayor Nielson stated that Phyllis Munster had made application for a Class B Beer License, which is for consumption and carry out. He asked Councilman Morrison to read Chief of Police Cooper's letter of recommendation. The letter reads:

Recently Phyllis Munster submitted an application for a Class B Beer License for the purpose of entitling the same as a licensee to sell beer in the original container on the premises of the Cellar Club, for consumption on or off the said premises and to sell draft beer for consumption on the premises, subject to the provision of the Utah Liquor Control Act and the ordinances of Delta City.

In accordance with Delta City Ordinance 9-424 the following inquiries were made and findings determined as listed below:

1. The general reputation and character of the persons who habitually frequent the premises proposed to be licensed appears to be characteristic of a working, middle-age, local resident, married couple generally mature and respectful in deportment.
2. The nature and kind of business conducted at such place by the applicant appears to be characteristic of a congenial social atmosphere and provides social activities satisfying the expectations of its customers at a very high standard.
3. Our records indicate that the said business is and has been conducted in a lawful, quiet and orderly manner. Upon a few occasions this department has been dispatched to this location to respond to minor noise complaints. However, on each of those occasions the responding officer has reported that there was no such disturbance requiring police intervention. It is the general consensus of the patrol officers that this establishment has a history of strict compliance with City Ordinances and enforces a high standard of customer behavior. Our records indicate that police have never had to respond to any assault or physical disturbance situations at this location.
4. The nature and kind of entertainment has been a low key soft country western musical performance providing a dance floor for those who wish to participate.
5. There has never been any report, as far as this department is concerned, that this establishment has ever permitted gambling on the premises or that the applicant has permitted gambling at any other place.
6. Finally, measurements from the apparent property lines between the Cellar Club and the Church Building at approximately 300 West and 150 South have been estimated as follows:
 - a) 740 feet street linear method
 - b) 562.5 feet as the crow flies

In consideration of the above, the only question that needs to be answered is which measuring method is to be used. This factor would be the decisive element in the final recommendation inasmuch as the present City Ordinance No. 86-6 outlines the following:

- B. "No Class B or C license or a seasonal license to sell light beer, as provided for this ordinance, or license to sell other intoxicants, shall be granted for licensed premises located within 600 feet of any Church or school grounds."

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Other than the above issue, which is left to the discretion of the Council, the inquiries have provided this department with sufficient information to comfortably recommend that the license be granted.

Respectfully,

Gregory M. Cooper
Chief of Police
Delta City

Councilman Bennett asked what the purpose was for the carry out. Mrs. Munster stated that the license was written that way. She stated that she would like to sell the drinks if she were going to have to clean up after them anyway. She stated that she only wanted to sell to consume on the premises. This would be a Class "C" License instead of a Class "B".

Council Member Hansen asked about the Ordinance stating that no license could be issued in a dance hall. City Attorney Peterson stated that it could be defined as a cabaret, and under those circumstances it could be licensed. He suggested that the Council adopt an ordinance defining cabaret and dance halls.

A question was raised about the distance of Kingdom Hall, the Jehovah Witness Church, being closer to the Cellar Club. City Attorney Peterson recommended that the method of measurement be left the same, and if the Council wished to change the location requirements that they change the distance.

Councilman Dafoe stated that the proposed licensed premises do not meet our present distance requirement in the ordinance. Councilman Dafoe made a MOTION to deny the issuance of a Beer License to the Cellar Club. Council Member Hansen SECONDED the motion, which passed unanimously.

RESOLUTION TO CREATE "DELTA CITY, UTAH SPECIAL IMPROVEMENT DISTRICT 83-1"

Mayor Nielson asked City Attorney Peterson to report on the meeting held with the Delta Estates Committee. Mr. Peterson stated that Mrs. Downing, Mrs. Murray and he had current engineer's estimates provided by John Quick. He stated that one estimated figure for costs of the improvement district was \$75,000.00 and one was \$85,000.00. This would make the unimproved lots \$2,582.00 and \$2,436.09 and the improved lots \$3,982.00 and \$3,836.00. With an 11% annual interest rate, the annual payment would be either \$618.11 or \$676.33 on improved lots.

Mrs. Downing asked if the Council would table consideration of protest on the improvement district until next week. Councilman Morrison made a MOTION to table the consideration of adoption for a Resolution to create Delta City, Utah Special Improvement District 83-1. Councilman Bennett SECONDED the motion, which passed unanimously.

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RESOLUTION AND AGREEMENT TO REQUIRE POLICE OFFICERS BEING TRAINED BY DELTA CITY TO REMAIN WITH THE CITY FOR ONE YEAR AFTER COMPLETION OF TRAINING

City Attorney Peterson passed out a proposed resolution and agreement. He read the agreement to the Council. Councilman Morrison made a MOTION to adopt Resolution 83-96 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH ESTABLISHING A POLICY WITH REGARD TO JUSTIFYING THE COST OF RECEIVING TRAINING NECESSARY FOR CERTIFICATION OF CATEGORY I PEACE OFFICERS EMPLOYED BY THE CITY OF DELTA.

Councilman Bennett SECONDED the motion. The Mayor asked for a roll call vote.

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

After the voting the Mayor signed the resolution and the City recorder attested it.

PUBLIC WORKS DEPARTMENT EMPLOYEE EVALUATIONS AND RECOMMENDATIONS

Public Works Superintendent Neil Forster stated that Randy Riding has completed his 90-day probation period. He stated that Randy has done a good job. Mr. Forster recommended that Randy be taken off probation and put on a permanent status and placed on wage scale 8-B from 8-A. Councilman Bird made a MOTION to place Randy Riding on a permanent status on grade level 8-B. Councilman Dafoe SECONDED the motion, which passed unanimously.

Mr. Forster stated that Wade Randolph has been substituting for the foreman and has been a lead worker since there is no foreman. He recommended that Wade receive a level increase from a Maintenance Worker I to a Maintenance Worker II, from step grade 8-B to 10-A. Councilman Bird made a MOTION to give Wade Randolph a level increase to a Maintenance Worker II on step grade 10-A. Councilman Bennett SECONDED the motion, which passed unanimously.

APPOINTMENT OF JUDGES OF ELECTION

City Recorder Dorothy Jeffery proposed the judges of election as Norma Pearson, serving as president, Sandy Schmanski, Loretta Whicker, and Mae Shields as alternative. Mrs. Jeffery recommended that these judges serve on both the preliminary and final voting. They will be the judges and the counters of the elections. Council Member Hansen MOVED and Councilman Bird SECONDED the motion to accept these individuals as the judges and counters of the elections. The motion passed unanimously.

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CHAMBER OF COMMERCE, UTAH OPEN HOUSE PROGRAM

Mayor Nielson stated that he had received a letter inviting the City to lease space for an exhibit for an Open House in the Salt Palace Annex, for highlighting our area. He stated that he had given the invitation to Inez Moody.

Mrs. Moody stated that she thought that this would be a good opportunity for the Delta Area to display the assets and what is available in our area. She stated that in looking into this deeper, there is space rental fee. She stated that she felt it would take at least \$600.00 for the display and space rental. She will check on contributions. She presented some ideas of display to the Council. The Council was favorable to the idea, but didn't feel that Delta City could afford to contribute the whole fee.

Mrs. Moody asked if the City would mark June 16 for a West Millard Hay Day on the annual calendar.

OTHER BUSINESS

Councilman Max Bennett stated that interviews for the position of City Administrator should be held within the next couple of weeks. He stated that he felt that this position should be filled as soon as possible. The Council and Mayor will review the applications.

City Attorney Peterson stated that Mayor Nielson, Police Chief Greg Cooper, and himself had met with Steve Jackson, County Attorney, on the housing of prisoners and adoption of the new Utah Drunk Driving Statutes. Attorney Jackson said that the County would like the City to adopt a D.U.I. ordinance, but didn't want to pay for the prisoner housing.

City Attorney Peterson stated that a concerned citizen had come to him inquiring as to his compensation from the City. He stated that the citizen reported that he received an annual retainer of \$35,000.00 plus \$40.00 per hour, and that he only worked 1 day a week. He stated that the amount reported by this citizen was not correct, as he had explained to her, and that his total budget for the present fiscal year was \$34,750.00. He also said that he wanted no misunderstandings as to his retainer and fees. He submitted to the City Council Members, for their review, a letter explaining the details of his services to the City and asked for changes that needed to be made. The Council Members expressed concurrence with the arrangement as outlined in the letter. Mayor Nielson said he had not been aware of all of the details and therefore thought the letter was useful.

Councilman Morrison presented the idea of using a weighted population formula of 1 police officer to every 500 people living in Delta City and nearby areas. City Attorney Peterson asked if the City could meet additional officers needs by using overtime or putting on additional officers. Chief Cooper stated that using too much overtime affects the effectiveness, the morale and the safety of the police officers and public. The Council agreed with the 1-500 formula to be presented to IPP.

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Councilman Morrison stated that at the convention for the League of Cities and Towns that the League is making a recommendation on the retirement policy and will be brought up in the legislature and reviewed. He stated that the City personnel that this affects should review this.

Council Member Hansen stated at the League of Cities and Towns they had a community progress survey. She stated that the City should make use of this survey that was conducted 2 years ago.

Councilman Bird asked if the computer situation was straightened out. Mayor Nielson stated that he would phone the head of the company tomorrow and straighten it out. Councilman Bird stated that the City should have a recourse because the company said the computer would fit the City's needs.

Mayor Nielson recommended that Pat Thomas be appointed to the Planning and Zoning Commission in the vacancy that was left when Ray Little moved. Councilman Bennett made a MOTION to appoint Pat Thomas to the Planning and Zoning Commission. Councilman Dafoe SECONDED the motion, which passed unanimously.

Mayor Nielson stated that there had been a request made for the City's input on the location of the new golf course. The Council felt that this was out of their jurisdiction and gave no recommendation.

City Attorney Peterson stated that he had met with Keith Taylor, Member of the Chamber of Commerce, to come up with a lease agreement by the Chamber for the City Building. He stated that he and Mr. Taylor proposed a prepaid lease agreement for 50 years, with limitation on assignment of the lease to the same kind of organization. The Chamber would maintain the interior of its space and the City would maintain the exterior. Mayor Nielson stated that the City could fund \$3,100.00 a year for the next 3 years on the lease. He said the Chamber should pay half of their share of the building when the lease was signed and the rest of the money would have to be paid by the time the building is 50% completed.

City Recorder Dorothy Jeffery stated that the City needed to set guidelines for the small in-home business.

Mayor Nielson stated that he may not be able to make it to the scheduled hearing for Ken Kauwe. Attorney Peterson suggested that the Council change the date because Councilman Bennett is unable to make it at that time also. The Council changed the date to Wednesday, September 28, 1983, at 7:00 p.m. at the City Office Building.

Councilman Bennett made a MOTION to adjourn the meeting. Councilman Morrison SECONDED the motion which passed unanimously. The Mayor adjourned the meeting at 10:45 p.m.


Mayor Grant S. Nielson

City Recorder Dorothy Jeffery